

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2017

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

WP.No.23609 of 2014 and
M.P.Nos.1 and 2 of 2014

Minor A.S.Janane Visale
rep. by Father and Natural Guardian
A.S.Senthilram .. Petitioner
Vs.

1. The Commissioner and Secretary to
Government, Transport Department,
Fort St. George, Chennai-9.
2. The Director of Medical Education,
Kilpauk, Chennai-10.
3. The Director,
Institute of Road Transport,
Taramani, Chennai-113.
4. The Assistant Manager (Personnel),
Tamil Nadu State Transport Corporation
Kovai Limited, Erode Division,
Chennimalai Road, Erode.
5. The Principal,
Institute of Road Transport,
Perundurai Medical College,
Perundurai, Erode District.
6. The Chairman,
Medical Council of India,
Dwarka Phase-I, New Delhi-77. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for a writ of Certiorarified Mandamus, calling for the records relating to the scheme issued by the 1st respondent dated 24.07.1986 and quash Clause 8 of the Scheme in so far as restricting the benefit to the retired employees only and consequential prospectus issued by the 3rd respondent in Clause 1.3 for the admission to the M.B.B.S. Course for the academic year 2014-15 and consequently, direct the respondents to include the resigned employees also in Clause 8 of the scheme and clause 1.3 of the prospectus.

For Petitioner : Mr.L.Chandrakumar
for M/s.P.T.Ramadevi
For Respondents: Mr.V.Anandhamurthy,
Additional Govt. Pleader for R1 to 3
Mr.P.Kannankumar for R4
Mrs.Kala Ramesh for R5

ORDER

The father of the then minor petitioner has filed a Writ of Certiorarified Mandamus, seeking to quash Clause 8 of the Scheme dated 24.07.1986 relating to the 3rd respondent Institute restricting the benefits to the retired employees only and for a consequential relief for admission to MBBS Course in the academic year 2014-2015.

2. It is stated that by an order in G.O.Ms.No.1998, Health and Family Welfare Department, dated 16.07.1986, the 3rd respondent opened a Medical College at Perundurai in Erode District with an annual intake of 60 students. Out of 60 students, 20 seats are reserved for the children of the employees of the State Transport Corporations and other State Transport Undertakings. The employees were making voluntary contributions for the opening of the said college. The petitioner was appointed as a Junior Engineer (Trainee) on 05.08.1994 and after serving at various levels, he was appointed as a Senior Assistant Engineer in Erode-1 Branch. He resigned from the post on 08.09.2009 and joined as Motor Vehicles Inspector Grade-I in Unit Office, Pattukkottai. It is stated that the daughter of the petitioner has secured 1170 marks out of 1200 marks and the petitioner, being a former employee of the Transport Corporation, having contributed the amount to the scheme, is entitled for an admission in the Management Quota.

3. It is pointed out by the learned Counsel for the petitioner that Clause 1.3 of the Instructions to Candidates of the Institute of Road Transport, Taramani, Chennai for MBBS admission 2014-2015 reads as follows:

'The children of the deceased/retired employee will not be considered for admission unless the deceased/retired employee's name is on the live roll of the scheme.'

4. Admittedly, the petitioner had resigned from the erstwhile Jeeva Transport Corporation on 08.09.2009. Therefore, he was not continued to be on the live roll of the scheme. When the petitioner has voluntarily resigned from the services, he cannot claim the benefits from the Corporation to the wards of the employees. As the petitioner has ceased to be an employee, not being on the live roll of the scheme, cannot claim any

benefit under the scheme, though, he might have contributed money when he was employed till his resignation. Hence, the petitioner has no locus standi even to challenge the scheme as an outsider.

5. Even otherwise, the Writ Petition has been filed, claiming a seat in M.B.B.S. Course for the academic year 2014-2015, however, in the wake of the subsequent developments, namely, National Entrance-cum-Eligibility Test, a candidate can get admission into MBBS Course, only, if he/she qualifies in the NEET Examination and would secure a seat based on the merit list. Therefore, the consequential relief is not available to the petitioner.

6. In the light of all the above, the Writ Petition fails and the same is, accordingly, dismissed. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner and Secretary to Government, Transport Department, Fort St. George, Chennai-9.
2. The Director of Medical Education, Kilpauk, Chennai-10.
3. The Director, Institute of Road Transport, Taramani, Chennai-113.
4. The Assistant Manager (Personnel), Tamil Nadu State Transport Corporation Kovai Limited, Erode Division, Chennimalai Road, Erode.

5. The Principal,
Institute of Road Transport,
Perundurai Medical Colleged,
Perundurai, Erode District.

6. The Chairman
Medical Council of India
Dwarka Phase-I, New Delhi -77

+1 cc to M/s.P.T.Ramadevi Advocate sr 42606
+1 cc to Mr.Kala Ramesh Advocate sr 42564
+1 cc to Mr.P.Kannan Kumar Advocate sr 42626
+1 cc to Government Pleader sr 42831

W.P.No.23609 of 2014

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